

Senate File 385 - Reprinted

SENATE FILE 385
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1230)

(As Amended and Passed by the Senate March 19, 2013)

A BILL FOR

1 An Act modifying the imposition of certain special sentences.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.106, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. A sex offender who has been sentenced to a special
4 sentence under section 903B.1 or 903B.2, shall be required
5 to register for a period equal to the term of the special
6 sentence, but in no case not less than the period specified
7 in subsection 1, unless discharged early from the term of the
8 special sentence imposed under chapter 903B.

9 Sec. 2. NEW SECTION. 903B.3 **Early discharge from special**
10 **sentence.**

11 1. A person who is serving a special sentence prior to,
12 on, or after the effective date of this Act, may file an
13 application in district court seeking an early discharge from
14 the term of the special sentence imposed under this chapter.

15 2. An application shall not be granted unless all of the
16 following apply:

17 a. The person was eighteen years of age or younger when the
18 offense requiring the special sentence was committed.

19 b. The victim of the offense requiring the special sentence
20 was thirteen years of age or older when the offense was
21 committed.

22 c. The offense requiring the special sentence did not
23 involve force or a threat of force and was not done against the
24 will of the victim.

25 d. The person has successfully completed all sex offender
26 treatment programs that have been required.

27 e. A risk assessment has been completed and the sex offender
28 was classified as a low or low-to-moderate risk to reoffend.
29 The risk assessment used to assess an offender as a low or
30 low-to-moderate risk to reoffend shall be a validated risk
31 assessment approved by the department of corrections.

32 f. The person is not incarcerated when the application is
33 filed.

34 3. The application shall be filed in the person's county of
35 principal residence.

1 4. Notice of any application shall be provided to the county
2 attorney of the county of the person's principal residence, the
3 county attorney of the county where the conviction requiring
4 the special sentence occurred, and the department of public
5 safety. The county attorney where the conviction occurred
6 shall notify the victim of an application if the victim's
7 address is known.

8 5. The court shall conduct a hearing on the application to
9 hear any evidence deemed appropriate by the court. A victim,
10 as defined in section 915.10 shall be provided an opportunity
11 to be heard in any format permissible under section 915.13.

12 6. The court, after the hearing, may either refuse to grant
13 the application or order that the person be discharged early
14 from the term of the special sentence.

15 7. A copy of any court order entered pursuant to this
16 section shall be sent to the person, the county attorney of the
17 person's principal place of residence, the county attorney of
18 the county where the conviction requiring the special sentence
19 occurred, and the victim, if the address of the victim is
20 known.

21 8. If the court orders the person discharged early from the
22 term of the special sentence, a copy of the early discharge
23 order shall also be sent to the department of corrections, the
24 department of public safety, and to the sheriff of the county
25 of the person's principal place of residence.

26 9. If the court orders the person discharged early from the
27 term of the special sentence, the person shall be immediately
28 discharged from the special sentence, and the person's name and
29 relevant information shall be removed from the sex offender
30 registry in the same manner as if the person's required period
31 of registration ended under chapter 692A.